## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE	) )
LITIGATION	) MDL No. 1456
	) Civil Action No. 01-12257-PBS
THIS DOCUMENT RELATES TO: ALL CLASS ACTIONS	) Judge Patti B. Saris
ALL CLASS ACTIONS	) [REDACTED VERSION]
	)

## DECLARATION OF ERIC P. CHRISTOFFERSON TRANSMITTING DOCUMENTS RELIED UPON IN TRACK 1 DEFENDANTS' MEMORANDUM IN OPPOSITION TO CLASS PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON DEFENDANTS' AFFIRMATIVE DEFENSES

- I, ERIC P. CHRISTOFFERSON, hereby declare:
- 1. I am a member of the bar of the Commonwealth of Massachusetts and of this
  Court. I am an associate with Ropes & Gray LLP, and counsel to Defendants Schering-Plough
  Corporation ("Schering") and Warrick Pharmaceuticals Corporation ("Warrick"). I submit this
  Declaration in support of Track 1 Defendants' Memorandum in Opposition to Class Plaintiffs'
  Motion for Partial Summary Judgment on Defendants' Affirmative Defenses ("Joint
  Memorandum in Opposition to Plaintiffs' Affirmative Defenses Motion") to place before the
  Court documents referenced in the Joint Memorandum in Opposition to Plaintiffs' Affirmative
  Defenses Motion.
- 2. Attached hereto as Exhibits 1 through 14 are true and correct copies of the following:

<u>EXHIBIT</u>	<b>TAB</b>
Excerpts from the transcript of the deposition of Virginia Newell (Nov. 15, 2005)	1
Excerpts from the transcript of the deposition of Larry Young (Nov. 9, 2005) (filed under seal)	2
Excerpts from the transcript of the deposition of Robert A. Howe (Nov. 16, 2005) (filed under seal)	3
Excerpts from the transcript of the deposition of Reverend David Aaronson (Nov. 17, 2005) (filed under seal)	4
Excerpts from the transcript of the deposition of James E. Shepley (Nov. 11, 2005)	5
Excerpts from the transcript of the deposition of Anna Choice (Nov. 10, 2005)	6
Excerpts from the transcript of the deposition of Glenn Randle (Nov. 17, 2005)	7
Excerpts from the transcript of the deposition of Leroy Townsend (Nov. 15, 2005) (filed under seal)	8
Excerpts from the transcript of the deposition of Patricia Kay Morgan (Jan. 11, 2005) (filed under seal)	9
Excerpts from the transcript of the deposition of Cynthia L. Davies (Nov. 9, 2005) (filed under seal)	10
Excerpts from Blue Cross Blue Shield of Massachusetts' "Analysis of CMS Average Wholesale Price Reform" (Feb. 7, 2004) (filed under seal)	11
Excerpts from the transcript of the deposition of Deborah DeVaux (Mar. 9, 2006) (filed under seal)	12
Excerpts from the transcript of the deposition of Sheila R. Cizauskas (Mar. 10, 2006) (filed under seal)	13
Excerpts from the transcript of the deposition of John M. Killion (Jan. 6, 2006) (filed under seal)	14

3. Several of the exhibits attached hereto contain information that has been deemed confidential and highly confidential and are hereby filed under seal. Those exhibits are numbered 2-4 and 8-14.

I declare under penalty of perjury that the foregoing is true.

/s/ Eric P. Christofferson
Eric P. Christofferson

EXECUTED this 7th day of April, 2006 in Boston, Massachusetts.

## **CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2006, I caused a true and correct copy of the foregoing to be served on all Counsel of Record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Eric P. Christofferson
Eric P. Christofferson